

IN THE UNITED STATES DISTRICT COURT,  
DISTRICT OF NEBRASKA  
OMAHA DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
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OFFICE OF THE CLERK

CHAD J. HUNT,

Plaintiff,

v.

UNION PACIFIC RAILROAD  
COMPANY, a Delaware  
corporation,

Defendant.

Case No.

8:04cv539

**COMPLAINT**

Plaintiff, Chad J. Hunt, by his attorneys, Louis E. Jungbauer and Yaeger, Jungbauer & Barczak, PLC, for his cause of action against Defendant Union Pacific Railroad Company ("Union Pacific") states as follows:

1. At all times material, Plaintiff Chad J. Hunt was and is a resident of the City of North Platte, County of Lincoln, State of Nebraska.
2. At all times material, Defendant Union Pacific was and is a Delaware corporation, and was and is operating an interstate system of railroads, including maintaining its headquarters in the County of Douglas in the State of Nebraska.
3. Plaintiff was, at all times material, employed by the Defendant as an electrician and, as such, was engaged in work which closely and substantially touched upon and was in furtherance of his employer's interstate commerce.
4. The Court has jurisdiction over the Defendant pursuant to the Federal Employers' Liability Act (FELA), Title 45 U.S.C. §§ 51 et seq.

5. On or about October 21, 2003, Plaintiff was working in the course and scope of his employment as an electrician with Defendant and was working in a very cramped, confined area, stepping over some pipes to get to an electrical panel to adjust the pressure switch on a soap pump in the Union Pacific's service track pump house in North Platte, NE, when soap and water on the floor caused him to slip and fall down, injuring his left arm and elbow, left leg, hips, and lower back.

6. The October 21, 2003 injuries sustained by Plaintiff and the resulting damages incurred were caused, in whole or in part, by the negligence of the Defendant, its agents, employees, and officers, and in violation of the FELA, to wit:

- a. Defendant negligently failed to provide a reasonably safe place to work;
- b. Defendant negligently failed to properly inspect, maintain and clean the immediate area in question so that the same became hazardous to the safe footing of its employees;
- c. Defendant negligently failed to devise and/or implement an adequate safety program which may/could have avoided this accident; and
- d. Other negligence.

7. As a result of Defendant's negligent violation of the FELA as set forth above, Plaintiff suffered severe and permanent injuries to his left arm and elbow, left leg, hips, lower back and other parts of his body, and has suffered physical and mental pain and loss of enjoyment of life in the past and will continue to do so in the future.

8. As a further result of the negligent violation of the FELA as set forth above, Plaintiff has lost wages and will continue to lose wages, including fringe benefits, in the future, and will sustain a loss or diminution of earning capacity, including loss of fringe benefits.

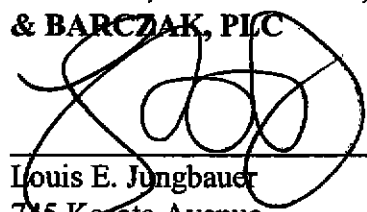
9. In an effort to heal and relieve his injuries, Plaintiff has incurred in the past and will continue to incur in the future expenses for medical, nursing and related care.

**WHEREFORE**, Plaintiff asks this Court to enter judgment in his favor and against the Defendant railroad in an amount sufficient to fully compensate Plaintiff for damages and injuries to be proven at trial and for its costs and disbursements.

**JURY TRIAL DEMANDED.** Plaintiff respectfully designates Omaha Division as the place of trial and requests a jury.

Dated: October 21, 2004.

**YAEGER, JUNGBAUER,  
& BARCZAK, PLC**



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Louis E. Jungbauer  
745 Kasota Avenue  
Minneapolis, MN 55414  
(612) 333-6371

**ATTORNEYS FOR PLAINTIFF**